IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL.NO.1337 OF 2006
IN
CRI.APPEAL NO. 1269 OF 2006

1. Amar Gurunath Kanse
2. Sachin Balu Borhade
3. Sachin Manikrao Gavhane ..Applicants (Ori.Accused Nos.1 to 3)

Vs.

The State of Maharashtra & Anr. ..Respondents

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Mr.M.S.Mohite Advocate for Applicants
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 14, 2007

P.C.

1. Heard the learned advocate for the applicants and learned A.P.P. for the State.

2. The applicants have been convicted under Section 307 read with section 34 of IPC and sentenced to R.I. for ten years. The applicants are now seeking bail. Mr.M.S.Mohite, the learned advocate for the applicants states that as far as applicant no.2-Sachin Balu Borhade is concerned, he is not pressing the present application for bail at

this stage and he seeks liberty to file a fresh application after annexing relevant documents. The said liberty is granted. Hence, this application is being heard and disposed of only in respect of applicant no.1 Amar Gurunath Kanse and applicant no.3 Sachin Manikrao Gavhane.

3. The prosecution case is that applicant no.1 Amar Kanse who was armed with sword, assaulted P.W.1 Sanjay Dodake. In the incident, Sanjay Dodake suffered ten injuries i.e. five on the head and five on his hands.

4. Mr.Mohite has submitted that as far as applicant no.3 Sachin Manikrao Gavhane is concerned, he was not armed with any deadly weapon. There is discrepancy in the role attributed to applicant no.3. As per complaint, no role is attributed to applicant no.3. However, in the evidence the role attributed to applicant no.3 is that he assaulted with fist and stick blows. Mr.Mohite has submitted that applicant no.3 has a clean record and he is just 20 years of age. Moreover, applicant no.3 was on bail during the trial and he has not misused the liberty granted to

him. In view of the above facts, I am inclined to grant bail to applicant no.3 Sachin Manikrao Gavhane. Looking to the evidence especially evidence of P.W.1 Sanjay Dodake, I am not inclined to grant bail to applicant no.1 Amar Kanse. Hence, his application for bail, is rejected.

5. On the applicant no.3 Sachin Manikrao Gavhane depositing the fine amount, he shall be released on bail in the sum of Rs.20,000/- (Rs.twenty thousand only) with one or two sureties to make up that amount. The applicant no.3 shall report once in a week to Kothrud Police Station till disposal of his appeal.

6. Application is disposed of.

[V.K.Tahilramani, J.]